



Oregon Water Resources Department  
 725 Summer Street NE, Suite A  
 Salem Oregon 97301-1266  
 (503) 986-0900  
 www.wrd.state.or.us

# Certificate of Water Right Ownership Update

## NOTICE TO SELLERS & BUYERS:

By law, all water belongs to the public (ORS 537.110). In almost every instance, a permit or water right certificate from the Water Resources Department is needed before using, diverting or storing water (ORS 537.130). However, most domestic wells do not require water rights. A certificate of water right stays with the land. In order to keep track of water right ownership, the Department requests that this form be submitted to the Department. *If for multiple rights, a separate form for each right will be required.*

Water that has been used for a long time in one place or that involves a water structure (like a dam) that already exists is no guarantee that there is a water right which would allow the water use to continue.

If you have any questions about this form or water right requirements, please contact your local watermaster or call the Water Resources Department at 503-986-0900.

*Note: Please type or print legibly when filling in the following information. Use additional paper if necessary.*

### PROPERTY SELLER INFORMATION

RECEIVED

Applicant(s): Irene E Toelle Estate et al  
First Last  
 Mailing Address: 6393 Larden Road NE  
Salem OR 97137  
City State Zip  
 Phone: 503-364-6190  
Home Work Other

JAN 04 2012  
 WATER RESOURCES DEPT  
 SALEM, OREGON

### PROPERTY BUYER INFORMATION

Applicant(s): Three Up Outfit an Arizona General Partnership  
First Last  
 Mailing Address: 140 Rio Salado Parkway # 901  
Tempe Az 85281  
City State Zip  
 Phone: 602-689-1848  
Home Work Other

### PROPERTY DESCRIPTION (attach additional pages if necessary):

County: Marion Township: T75 Range: R2W Section: 9

Tax Lot Number(s): 1200

Street address of water right property: 5603 Larden Road NE, Salem, OR

Water Right Information (attach copy of water right permit or certificate & final proof map):

Application #: G-4912 Permit #: G-4629 Certificate or Page #: 42229/T85529

Will all the lands associated with this water right be owned by the buyer?  Yes  No

Name of individual completing this form: Jon Field Phone: 503-519-8350

Signature: Jon Field Date: Jan 3, 2012

*Please be sure to attach a copy of your property deed or legal description of the property.*

STATE OF OREGON  
 COUNTY OF MARION  
 CERTIFICATE OF WATER RIGHT

THIS CERTIFICATE ISSUED TO

H.C. TOELLE  
 5603 LARDON RD NE  
 SALEM, OR 97303

confirms the right to use the waters of a WELL in the PUDDING RIVER BASIN for PRIMARY IRRIGATION of 79.6 ACRES AND SUPPLEMENTAL IRRIGATION of 31.6 ACRES.

This right was perfected under Permit G-4629. The date of priority is JUNE 20, 1969. The amount of water to which this right is entitled is limited to an amount actually used beneficially, and shall not exceed 1.13 CUBIC FEET PER SECOND or its equivalent in case of rotation, measured at the well.

The well is located as follows:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
7 S	2 W	WM	9	SW SE	1240 FEET SOUTH AND 930 FEET EAST FROM THE NW CORNER OF LOT 3, (IN NE SW OF SECTION 9)

The amount of water used for irrigation, together with the amount secured under any other right existing for the same lands, is limited to a diversion of ONE-EIGHTIETH of one cubic foot per second, or its equivalent for each acre irrigated, and shall be further limited to a diversion of not to exceed 2.5 acre-feet per acre for each acre irrigated during the irrigation season of each year; provided further that the right allowed herein shall be limited to any deficiency in the available supply of any prior right existing for the same land and shall not exceed the limitation allowed herein, and shall conform to such reasonable rotation system as may be ordered by the proper state officer.

A description of the place of use to which this right is appurtenant is as follows:

IRRIGATION							
Twp	Rng	Mer	Sec	Q-Q	GLot	DLC	Acres
7 S	2 W	WM	9	NE SW	3	-	20.9
7 S	2 W	WM	9	SE SW	4	-	7.6
7 S	2 W	WM	9	NE SE	1	-	0.1
7 S	2 W	WM	9	NW SE	2	-	20.4
7 S	2 W	WM	9	SW SE	-	79	30.6

SUPPLEMENTAL IRRIGATION							
Twp	Rng	Mer	Sec	Q-Q	GLot	DLC	Acres
7 S	2 W	WM	9	NE SE	1	-	6.2
7 S	2 W	WM	9	NW SE	2	-	4.8
7 S	2 W	WM	9	SW SE	-	79	7.1
7 S	2 W	WM	9	SE SE	-	79	13.5


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This certificate describes that portion of the water right confirmed by Certificate 42229, State Record of Water Right Certificates, NOT modified by the provisions of an order of the Water Resources Director entered JUN 29 2009, approving Transfer Application T-10728.

The issuance of this superseding certificate does not confirm the status of the water right in regard to the provisions of ORS 540.610 pertaining to forfeiture or abandonment.

The right to the use of the water for the above purpose is restricted to beneficial use on the lands or place of use described.

WITNESS the signature of the Water Resources Director, affixed JUN 29 2009.



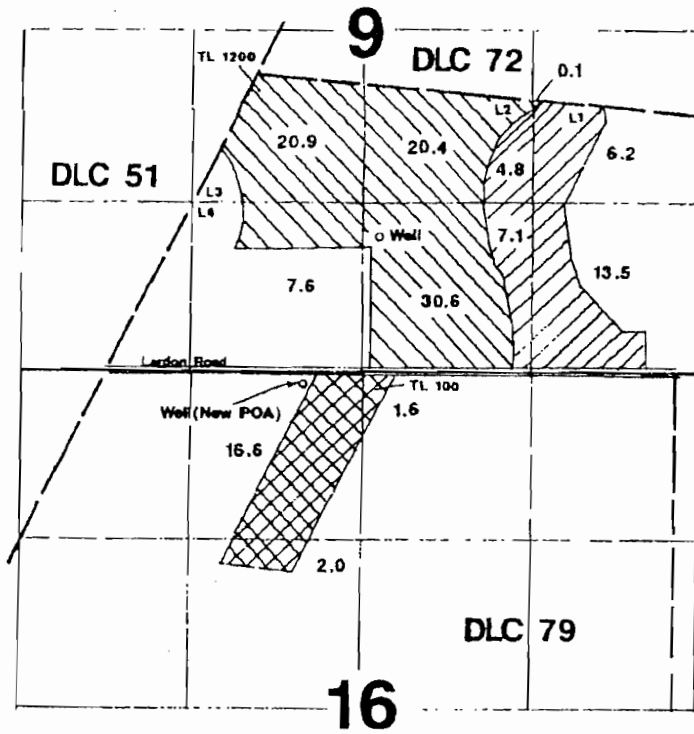
Phillip C. Ward, Director *pc*

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# T.7S., R.2W., W.M.



- Primary
- Supplemental
- Above Areas Remain with Well
- Area Transferred to Well (New POA)

Well is located 1240'S & 930'E from NW corner of Lot 3, Section 9.  
 Well (New POA) is located 50'S & 2200'E from NW corner Section 16.

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T 10728

## Application Map

**RECEIVED Stan A. Herr & Greg L. Herr**

NOV 24 2008

Transfer #:

This Map was Prepared for the Purpose of Identifying the Location of a Water Right Only and is Not Intended to Provide Legal Dimensions or Location of Property Ownership Lines.



STATE OF OREGON  
 COUNTY OF MARION  
**CERTIFICATE OF WATER RIGHT**

**This Is to Certify, That H. C. TOELLE**

of 5603 Lardon Road, NE, Salem, Oregon, State of Oregon, 97303, has made proof to the satisfaction of the STATE ENGINEER of Oregon, of a right to the use of the waters of a well

a tributary of     Pudding River     for the purpose of irrigation of 99.8 acres and supplemental irrigation of 31.6 acres under Permit No.     G-4629     of the State Engineer, and that said right to the use of said waters has been perfected in accordance with the laws of Oregon; that the priority of the right hereby confirmed dates from     June 20, 1969    

that the amount of water to which such right is entitled and hereby confirmed, for the purposes aforesaid, is limited to an amount actually beneficially used for said purposes, and shall not exceed **1.34 cubic feet per second**

or its equivalent in case of rotation, measured at the point of diversion from the stream. The point of diversion is located in the     SE $\frac{1}{4}$  SE $\frac{1}{4}$ , Section 9, T. 7 S., R. 2 W., W. M., 1240 feet South and 930 feet East from NW Corner, Lot 3 (NE $\frac{1}{4}$  SW $\frac{1}{4}$ ), Section 9.

The amount of water used for irrigation, together with the amount secured under any other right existing for the same lands, shall be limited to     one-eightieth     of one cubic foot per second per acre, or its equivalent for each acre irrigated and shall be further limited to a diversion of not to exceed     2 $\frac{1}{2}$  acre feet per acre     for each acre irrigated during the irrigation season of each year; provided further that the right allowed herein shall be limited to any deficiency in the available supply of any prior right existing for the same land and shall not exceed the limitation allowed herein,

and shall conform to such reasonable rotation system as may be ordered by the proper state officer.

A description of the place of use under the right hereby confirmed, and to which such right is appurtenant, is as follows:

<u>Primary</u>	<u>Supplemental</u>	
20.9 acres		Lot 3 (NE $\frac{1}{4}$ SW $\frac{1}{4}$ )
7.6 acres		Lot 4 (SE $\frac{1}{4}$ SW $\frac{1}{4}$ )
0.1 acre	6.2 acres	Lot 1 (NE $\frac{1}{4}$ SE $\frac{1}{4}$ )
20.4 acres	4.8 acres	Lot 2 (NW $\frac{1}{4}$ SE $\frac{1}{4}$ )
30.6 acres	7.1 acres	SW $\frac{1}{4}$ SE $\frac{1}{4}$
	13.5 acres	SE $\frac{1}{4}$ SE $\frac{1}{4}$
	Section 9	
1.6 acres		NW $\frac{1}{4}$ NE $\frac{1}{4}$
16.6 acres		NE $\frac{1}{4}$ NW $\frac{1}{4}$
2.0 acres		SE $\frac{1}{4}$ NW $\frac{1}{4}$
All as projected within Topog DLC 79		
Section 16		
T. 7 S., R. 2 W., W. M.		

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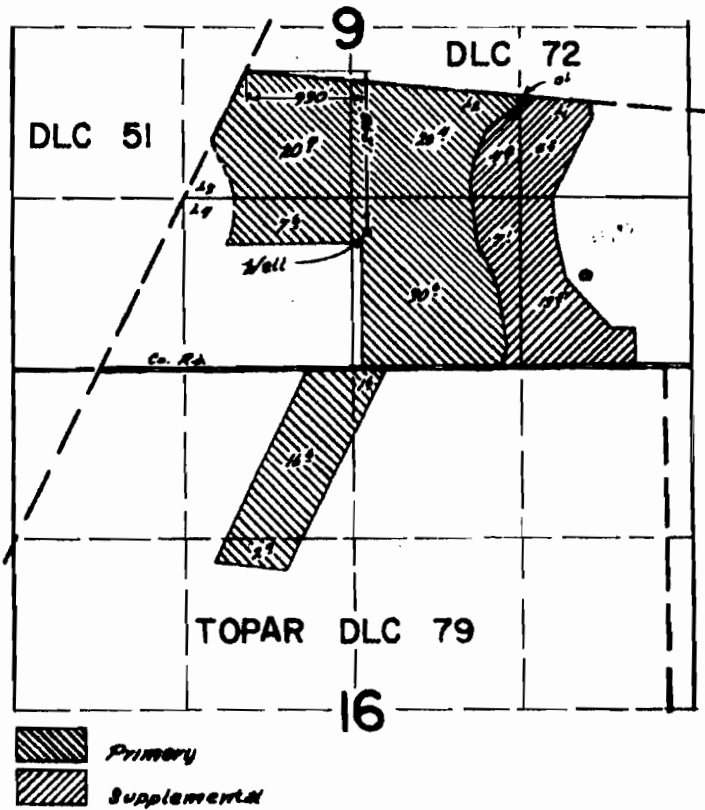
The right to the use of the water for the purposes aforesaid is restricted to the lands or place of use herein described.

WITNESS the signature of the State Engineer, affixed

this date.     May 23, 1975    

.....    Chris L. Wheeler    .....  
 State Engineer

T.7.S. R.2W. W.M.



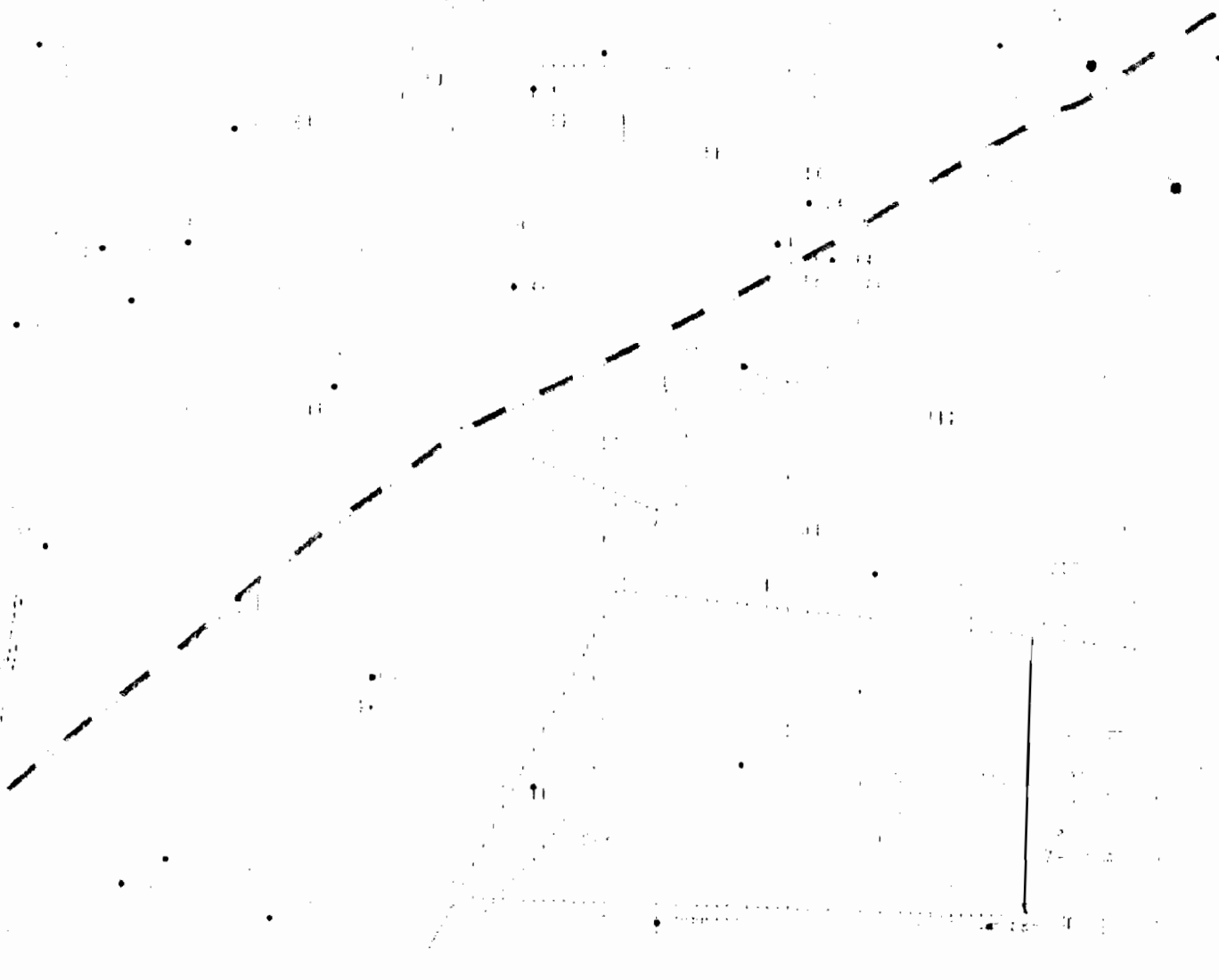
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**FINAL PROOF SURVEY**  
UNDER

Application No. C-4982 Permit No. C-4619  
IN NAME OF  
H. C. TOELIE  
Surveyed Nov. 21 1957, by T. J. Paul

# WATER RIGHTS IN TOWNSHIP 7

## Section(s) 9



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**PLACE OF USE BY SOURCE OF A RIGHT**  
 Multiple shades indicate multiple sources for rights serving the parcel. To determine the source of a right, refer to the number of the parcel as referenced in reports.

Served by surface water or decree right:  
 Instream right

Served by Groundwater right:  
 Served by Groundwater registration right

**NUMBER OF DIVISION OF REGISTRATION OF RIGHT**

Surface water right point of diversion  
 Groundwater right point of diversion  
 Groundwater registration point of diversion  
 APPLICANT'S NAME AND ADDRESS

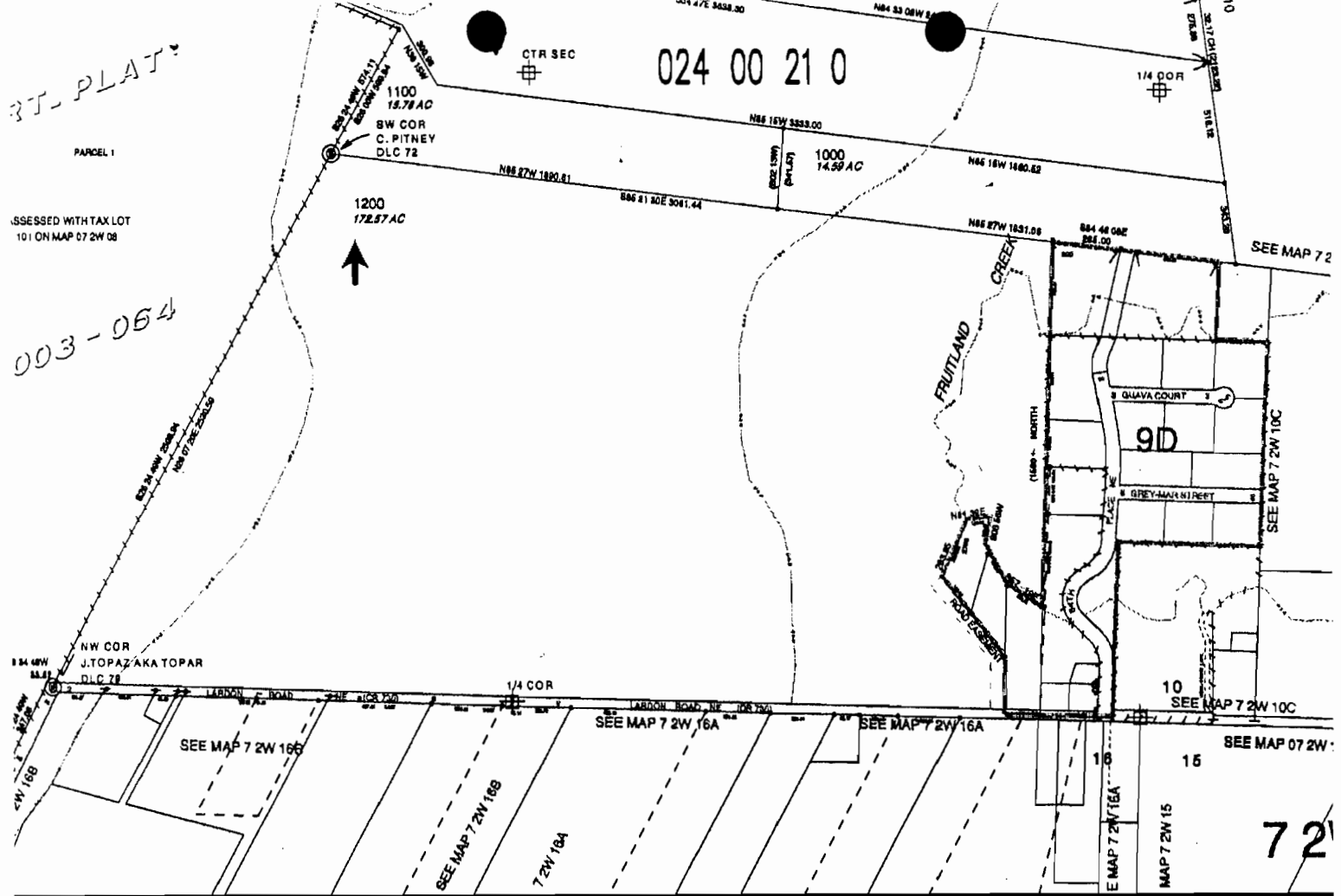
RT. PLAT

024 00 21 0

PARCEL 1

ASSESSED WITH TAX LOT 101 ON MAP 07 2W 08

003-064



ent purposes ONLY. There are no warranties, expressed or implied, including the warranty of merchantability or fitness for a particular purpose, accompanying any of

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RECORDING REQUESTED BY:  
GRANTOR'S NAME:  
The Cecil A. Barnes, Jr. Revocable Living Trust  
under Agreement dated October 29, 1998  
GRANTEE'S NAME:  
Three-Up Outfit, an Arizona partnership

SEND TAX STATEMENTS TO:  
Three-Up Outfit, an Arizona partnership  
P.O. Box 25  
Mule Creek, NM 88051

AFTER RECORDING RETURN TO:  
Three-Up Outfit, an Arizona partnership  
P.O. Box 25  
Mule Creek, NM 88051

Escrow No: 471811015451-TTMIDWIL20  
5603 Lardon Road NE  
Salem, OR 97305

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SPACE ABOVE THIS LINE FOR RECORDER'S USE

**STATUTORY WARRANTY DEED**

Cecil A. Barnes, Trustee of the Cecil A. Barnes, Jr. Revocable Living Trust under Agreement dated October 29, 1998, Grantor, conveys and warrants to

Three-Up Outfit, an Arizona partnership, Grantee, the following described real property, free and clear of encumbrances except as specifically set forth below, situated in the County of Marion, State of Oregon:

See Exhibit 'One' attached hereto and made a part hereof

**BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON TRANSFERRING FEE TITLE SHOULD INQUIRE ABOUT THE PERSON'S RIGHTS, IF ANY, UNDER ORS 195.300, 195.301 AND 195.305 TO 195.336 AND SECTIONS 5 TO 11, CHAPTER 424, OREGON LAWS 2007, AND SECTIONS 2 TO 9 AND 17, CHAPTER 855, OREGON LAWS 2009. THIS INSTRUMENT DOES NOT ALLOW USE OF THE PROPERTY DESCRIBED IN THIS INSTRUMENT IN VIOLATION OF APPLICABLE LAND USE LAWS AND REGULATIONS. BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON ACQUIRING FEE TITLE TO THE PROPERTY SHOULD CHECK WITH THE APPROPRIATE CITY OR COUNTY PLANNING DEPARTMENT TO VERIFY THAT THE UNIT OF LAND BEING TRANSFERRED IS A LAWFULLY ESTABLISHED LOT OR PARCEL, AS DEFINED IN ORS 92.010 OR 215.010, TO VERIFY THE APPROVED USES OF THE LOT OR PARCEL, TO DETERMINE ANY LIMITS ON LAWSUITS AGAINST FARMING OR FOREST PRACTICES, AS DEFINED IN ORS 30.930, AND TO INQUIRE ABOUT THE RIGHTS OF NEIGHBORING PROPERTY OWNERS, IF ANY, UNDER ORS 195.300, 195.301 AND 195.305 TO 195.336 AND SECTIONS 5 TO 11, CHAPTER 424, OREGON LAWS 2007, AND SECTIONS 2 TO 9 AND 17, CHAPTER 855, OREGON LAWS 2009.**

The true consideration for this conveyance is one-third of the total purchase price of \$1,700,000.00.  
(See ORS 93.030)

DATED: December 28, 2011

THE CECIL A. BARNES, JR. REVOCABLE LIVING TRUST, under Agreement dated October 29, 1998

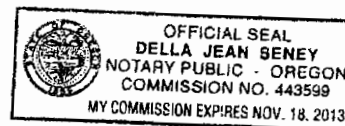
Cecil A Barnes  
Cecil A. Barnes, Trustee

State of OREGON  
COUNTY of Marion

This instrument was acknowledged before me on December 28, 2011

by Cecil A Barnes, Trustee of the Cecil A. Barnes, Jr. Revocable Living Trust, under Agreement dated October 29, 1998

Della Jean Sene Notary Public - State of Oregon  
My commission expires: 11-18-13



471811015451-TTMIDWIL20  
Deed (Warranty-Statutory)

## Exhibit 'One'

### Legal Description:

The West half of the Donation Land Claim of John Gilmore and wife, situated in Marion County, State of Oregon, and being in Section 9, Township 7 South, Range 2 West of the Willamette Meridian, in Marion County, Oregon; and also the adjoining parcel:

Beginning at a stake on the line between Sections 9 and 16, 6.83 chains South 89-3/4° West of the corner common to Sections 9, 10, 15 and 16, in Township 7 South, Range 2 West; and running thence South 89-3/4° West 11.93 chains to corner of McMeekin's land; thence North 32.00 chains to the line of Claim No. 72; thence South 86° East 11.93 chains to a stake; thence South 31.10 chains to the place of beginning, being 3/11 of the East half of the John Gilmore Claim, situated in Marion County, State of Oregon.

### ALSO:

Beginning at the Southeasterly corner of that tract of land conveyed to Harold C. and Irene E. Toelle by deed recorded in Volume 341, page 58, Marion County Record of Deeds, which corner is recorded as bearing South 89°45' West 450.78 feet from a county monument marking the section corner common to Sections 9, 10, 15 and 16, Township 7 South, Range 2 West of the Willamette Meridian, Marion County, Oregon, and which corner is situated on the Southerly boundary line of said Section 9; and running thence, from the true point of beginning, North 1997.63 feet, along the Easterly boundary of said Toelle tract, to a point; thence South 84°46' 08" East 14.94 feet, along the Westerly extension of the Northerly boundary line of that tract of land conveyed to John F. and Marjorie P. Wikoff by deed recorded in Volume 296, Pages 566 and 567, Marion County Record of Deeds, to a one inch iron pipe; thence South 00°32'41" East 1996.06 feet to a one-half inch iron pipe on the Southerly boundary line of said Section 9, said Southerly boundary line being also the centerline of Lardon Road; thence South 89°30' West 33.86 feet, along said Southerly boundary line, to the point of beginning, save and except that portion of the above described parcel lying within Lardon Road right of way.

### SAVE AND EXCEPT:

Beginning at an iron rod which is 566.92 feet South 89°30' West and 243.00 feet North 00°20' West from the Southeast corner of Section 9, Township 7 South, Range 2 West of the Willamette Meridian, Marion County, Oregon; and running thence North 40°47' West 229.12 feet to an iron rod; thence North 13°45' East 276.03 feet to a point in the center line of a creek; thence South 30°25' East, along said center line, 160.76 feet to a point; thence South 00°30' East 303.00 feet to the point of beginning.

### ALSO SAVE AND EXCEPT:

Beginning at an iron rod which is 566.92 feet South 89°30' West and 243.00 feet North 00°30' West and 229.12 feet North 40°47' West from the Southeast corner of Section 9, Township 7 South, Range 2 West of the Willamette Meridian, Marion County, Oregon; and running thence North 40°47' West 195.83 feet to an iron rod; thence North 21°39' East 263.85 feet to a point in the centerline of a creek; thence North 81° 39' East, along said centerline, 100.00 feet to a point; thence South 08° 56' West, along said center line, 115.45 feet to a point; thence South 30°25' East, along said centerline, 30.00 feet to a point; thence South 13°45' West 276.03 feet to the point of beginning.

### FURTHER SAVE AND EXCEPT:

Beginning at a railroad spike in the South line of Section 9, Township 7 South, Range 2 West of the Willamette Meridian, Marion County, Oregon, said point of beginning being 416.92 feet South 89°30' West from the Southeast corner of said Section 9, said point of beginning also being the Southeast corner of that certain tract of land conveyed to Harold C. Toelle and Irene E. Toelle by Deed recorded in Volume 627, Page 105, Marion County Deed Records; and running thence South 89°30' West, along the South line of said Section 9, a distance of 150.00 feet to a railroad spike; thence North 00°30' West 546.00 feet to a point in the center line of a creek; thence South 57°18' East, along said centerline, 180.81 feet to a point in the East line of the aforesaid Toelle tract; thence South 00°20' East, along said East line, 447.00 feet to the point of beginning.

### Subject to and excepting:

Convenants, Conditions and Restrictions of record

Tax Parcel : 072W0901200

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The Oregon Water Resources Department asks that you please include with this form:

1. Copies of the Certificates that are mentioned on the form
2. A modern map that reflects the tax lots
3. Contact email addresses (if any)
4. Cell phone contact numbers (optional) as well as land line contact numbers

These items will "streamline" the process.

There is no fee associated with the Ownership Update form.

If you have any questions, please call Herb Mosgar (Water Rights Information/Applications) at 503-986-0804.

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